

BEFORE THE HONORABLE,
SERVICE TRIBUNAL, KHYBER PAKTUNKHW, PESHAWAR

Service Appeal No.151/2024

Muhammad Sadiq s/o Wali Khan (Ex-Constable 689)

r/o Kuch Banda, Tehsil & District Hangu

..... **Appellant**

VERSUS

Provincial Police Officer,

Khyber Pakhtunkhwa & others

..... **Respondents**

I N D E X

S, #	Description of documents	Annexed	Pages
1.	Parawise Comments		1-3
2.	Affidavit		4
3.	Copy of Bad Entries	A	5-6
4.	Copy of Daily Dairy Report	B	7
5.	Copy of Daily Dairy No.14	C	8
6.	Copy Charge Sheet/Summary of Allegation attached	D	9-10
7.	Copy Inquiry Final Shows Cause Notice of Daily Mashriq, Statement of Dawood Khan and Removal Order are annexed as annexure	E	11-15
8.	Copy of Departmental Appeal Order	F	16
9.	Copy of Authority Letter		17



Deponent

Inspector Legal, Hangu

13-06-24
Pinaling

BEFORE THE HONORABLE,
SERVICE TRIBUNAL, KHYBER PAKTUNKHW, PESHAWAR

Service Appeal No.151/2024

Muhammad Sadiq s/o Wali Khan (Ex Constable 689)

r/o Kuch Banda, Tehsil & District Hangu

..... Appellant

VERSUS

Provincial Police Officer,

Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4.

Respectfully Sheweth:-

Khyber Pakhtunkhwa
Service Tribunal

Preliminary Objections:-

Diary No. 13486

Dated 13-06-2024

1. That the appellant has got no cause of action.
2. That the appellant has got no locus standi.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. The appeal is not maintainable due to misjoinder and non-joinder of necessary parties.
6. That the appellant has not come to this Hon'ble Court with clean hands.
7. That the appeal is barred by law of limitation.

Facts:-

1. Correct to the extent of service, however, as per his service record appellant is a habitual absentee for which he was proceeded against departmentally time and again **(Copy of bad entries as attached annexure-A)**
2. Incorrect, the appellant was granted 180-days Ex-Pakistan leave with effect from 14.01.2023 to 13.07.2023. He was supposed to report back on 14.07.2023 in Police Lines, Hangu, but he deliberately and without any leave or prior permission of the competent authority absented himself from lawful duty vide daily diary No. 37, dated 14.07.2023 of Police Lines, Hangu. **(Copy of Daily Diary report as annexure-B)**
3. Incorrect, the appellant had made his departure on Ex-Pakistan leave vide daily diary No. 14, dated 14.1.2023 Police Lines, Hangu. **(Copy of Daily Diary No. 14 as annexure-C)**
4. Incorrect, the appellant had not preferred any sort of application to the department for extension of Ex-Pakistan leave and absented himself from lawful duties on account of which he was proceeded against departmentally. **(Copy of Charge Sheet/Summary of allegation attached as annexure-D)**

5. Incorrect, the appellant being a member of disciplined force is supposed to follow the Police Rule and willfully absented and indulged himself in labouring abroad after availing Ex-Pakistan leave and this fact was established during enquiry as per statement of Dawood Khan, brother of appellant. The appellant had concealed the fact of private job while applying for Ex-Pakistan leave. On account of such misconduct, appellant was proceeded against departmentally during which he was found guilty and recommended for major punishment. Final Show Cause Notice was also served on the appellant through local Police wherein his brother Dawood Khan testified that the appellant is presently abroad for labouring (doing private job). Notice for report in the Police Lines, Hangu was also published in the daily Mashriq (Newspaper). After fulfilling all the legal and codal formalities, the appellant was awarded a major punishment of removal from service vide OB No. 669 Dated 17.10.2023. **(Copies of enquiry, Final Show Cause Notice, Notice of daily Mashriq, Statement of Dawood Khan, and removal order are annexed as annexure-E)**
6. The respondent No. 3, after perusal of the available record and affording an opportunity of personal hearing to the appellant, dismissed the departmental appeal of appellant being devoid of merit. It is pertinent to mention here that appellant had earlier been also proceeded against departmentally on account of absenting himself from duties after availing Ex-Pakistan leave in the year 2018. However, he did not mend his way and continued with the same indisciplined conduct. **(Copy of order and as attached as Annexure-F).**
7. That the appellant has got no cause of action to file the instant appeal, hence, the appeal is devoid of merit and liable to be dismissed on the following.

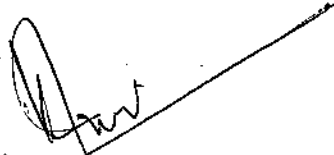
Grounds.


- A. Incorrect, the orders of respondents are quite legal in accordance with law/rules the appellant was treated in accordance with law & rules by the respondents.
- B. Incorrect, the appellant was issued proper charge sheet & Statement of allegations and after proper enquiry he was found guilty, hence, Final Show Cause Notice. He was also afforded an opportunity of personal hearing by the respondent No. 3 but he failed to advance any plausible reply nor produced any documentary proof in his defense.
- C. Incorrect, the appellant was removed from service by fulfilling all the legal and codal formalities. Detailed reply submitted in para-5 above.
- D. Incorrect, the orders of respondents are quite legal in accordance with law/rules.


- E. Correct, for sake of natural justice and compliance of the relevant provision of laws, proper and regular enquiry was conducted against the appellant. Details already submitted in para-5 above.
- F. Incorrect, the enquiry proceeding was conducted in accordance with the law & rules. The appellant was treated as per law.
- G. The appellant was treated as per the law.
- H. The appellant was treated in accordance with the Constitution of Islamic Republic of Pakistan, 1973.
- I. Appellant admit his absence, however, it has established during enquiry that the appellant deliberately absented himself from lawful duties, was doing a private job abroad (Qatar) without any leave or prior permission / NOC from competent authority. Statement of Dawood Khan, brother of appellant is very clear in this regard.
- J. Pertains to the Hon'ble tribunal hence, needs no comments.
- K. The respondents will also agitate any other grounds at the time of arguments with prior permission of this Honorable Tribunal.


Prayer:-

In view of the above, it is humbly prayed that the service appeal is devoid of merit may graciously be dismissed with costs, please.


District Police Officer,
Hangu
(Respondent No.4)
(MUHAMMAD KHLID) PSP
Incumbent


Regional Police Officer,
Kohat, Region Kohat
(Respondent No.3)
(SHER AKBAR) PSP, S.St
Incumbent


DIG/Legal, CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)
(DR. MUHAMMAD AKHTAR ABBAS) PSP
Incumbent


Govt of KP
through Secretary Home,
Civil Secretariat, Peshawar
(Respondent No.1)
(MUHAMMAD ABID MAJEED)
Incumbent

BEFORE THE HONORABLE,
SERVICE TRIBUNAL, KHYBER PAKTUNKHW, PESHAWAR

Service Appeal No.151/2024

Muhammad Sadiq s/o Wali Khan (Ex Constable 689)

r/o Kuch Banda, Tehsil & District Hangu

..... **Appellant**

VERSUS

Provincial Police Officer,

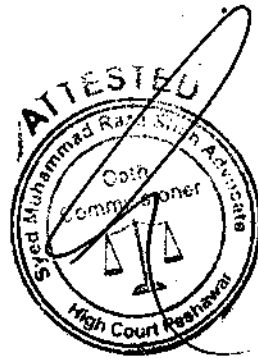
Khyber Pakhtunkhwa & others

..... **Respondents**

AFFIDAVIT

I respondent No.4, Mr. Muhammad Khalid PSP District Police Officer Hangu and Respondent, do hereby solemnly affirm on oath and declare that contents of these joint parawise comments on behalf of Respondents No.1, 2 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



District Police Officer,
Hangu
(Respondent No. 4)
(MUHAMMAD KHALID) PSP
Incumbent
CNIC # 15202-1557066-1
Cell # 0324-9191892

15-CENSURES AND PUNISHMENTS.—Concla.

Leave Account of Mr./Miss./Mrs.

Date of commencement of Service

Charge: Absented him self from lawful duty.
Punishment: ① day leave without pay.

OB, no, 627
28/8/16

[Signature]
DISTRICT POLICE
OFFICER, HANGU

①

Charge: Absented himself from duty.
Punishment: 03 days leave without pay.

OB, No, 847
24-11-2016

[Signature]
DISTRICT POLICE
OFFICER, HANGU

②

Charge: Absented himself from duty.
Punishment: One day leave without pay.

OB, No, 139
2/3/17

[Signature]
DISTRICT POLICE
OFFICER, HANGU

③

Order

Charge: - Constable Muhammad Sadeeq No: 689 while posted at APL
Kharsha Bonda Hangu on the basis of allegations that he
was checked by Duty officer of Hangu signalled him through
torch but no response was given by him neither given any
reply with torch to him.
Awarded has warning issued to defaulter Constable
to be careful in future vide this office order Encl/1
no L887/PP dt 29-4-17.

OB, no, 245
18-4-17

④

[Signature]
DISTRICT POLICE
OFFICER, HANGU

Absented
[Signature]


15-CENSURES AND PUNISHMENTS.—Concla.

Serial No.

Charge: Absented him self from duty
Punishment: one day leave with out pay

OB No. 492


Dt: 9.8.17


DISTRICT POLICE
OFFICER, HANGU

Charge: Absented him self from duty
Punishment: 8 days leave with out pay
and Fine Rs 800/-

OB No. 499

dt: 4-1-18


DISTRICT POLICE
OFFICER, HANGU


Charge: Absented him self from duty

Punishment: 37 day leave with out pay

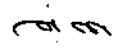
as vide this office order ~~and~~ order
number 5652/PA dated 30/11/18

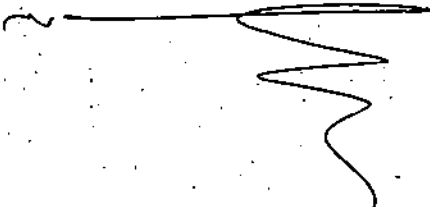
OB NO: 491

Dt: 27/11/2018


DISTRICT POLICE
OFFICER HANGU

Arrested





Attended
can

03-08-023
Re. Police Line

~~TY~~
Sirs Forwarded

03-08-023
MY Police Line

Sum
to the court

Received
the sum of Rs. 180/- on 14/03/03
for the purpose of the Police Line
No. 689 dated 14/03/03
for the purpose of the Police Line
No. 689 dated 14/03/03
for the purpose of the Police Line
No. 689 dated 14/03/03

19/07/03
31/01/03

Dune B 2
01/03/03

Attested
[Signature]

POLICE STATION
HARER

10-10-023

Pi-Police Jm

[Signature]

Sir
Forwarded

10-10-023 NHC-Police Jm

[Signature]

Handwritten text in Urdu script, likely a letter or report, containing several lines of text.

Handwritten text at the bottom left.

10/10/23

8



District Police Officer
Daily No. 935
Date: 16.8.23

Office of the
District Police Officer,
Hangu
Tel No. 0925-623878 & Fax No. 0925-620135
Email: dpohangu8@gmail.com

CHARGE SHEET

I, MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you, Constable Saddique Ullah No. 689 while posted at Police Lines, Hangu rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975:-

- i. You, Constable Saddique Ullah No. 689 while posted at Police Lines, Hangu have absented yourself from lawful duty with effect from 14.07.2023 to till date without any leave or prior permission vide DD No. 37, dated 14.07.2023 Police Line, Hangu.
 - ii. Your absence shows disinterest, negligence and amount to gross misconduct on your part.
2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.
3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.
- Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.
4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
HANGU



OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel No. 0925-623878 & Fax No. 0925-620135
Email: dpohangu8@gmail.com

DISCIPLINARY ACTION

I, **MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU,** as competent authority, am of the opinion that you, **Constable Saddique Ullah No. 689** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

- i. You, **Constable Saddique Ullah No. 689** while posted at Police Lines, Hangu have absented yourself from lawful duty with effect from 14.07.2023 to till date without any leave or prior permission vide DD No. 37, dated 14.07.2023 Police Line, Hangu.
- ii. Your absence shows disinterest, negligence and amount to gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations DS/ HQ/15 is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
HANGU**

No. 224 /EC, dated 11 /10 /2023

Copy of above to:-

1. The _____ :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

Attested

انگواڑی ازاں کنشیل صدیق اللہ نمبر 689 متعینہ پولیس لائن ہنگو

جناب عالی!

بجوالہ چارج شیٹ نمبری 224/EC مورہ 11.08.2023 دفتر جناب DPO صاحب ہنگو، انگواڑی ازاں کنشیل صدیق اللہ

نمبر 689 متعینہ پولیس لائن ہنگو معروض خدمت ہوں۔ کہ چارج شیٹ ہذا میں مذکورہ کنشیل پر ذیل الزام لگایا گیا ہے۔

الزام:-

مذکورہ کنشیل بجوالہ مد 37 مورہ 14.07.2023 پولیس لائن ہنگو مورہ 14.07.2023 سے بدستور سرکاری ڈیوٹی سے بغیر

کسی اجازت اور رخصت کے تاحال غیر حاضر ہے۔

انگواڑی پرائیس:-

اس سلسلے میں کنشیل صدیق اللہ نمبر 689 کے بارے میں روزنامچہ پولیس لائن سے معلومات کر کے جو کہ مذکورہ کنشیل تاحال

بدستور غیر حاضر چلا آرہا ہے۔ بعد از مذکورہ کنشیل کو بسلسلہ انگواڑی دفتر ہذا طلب کرنے کیلئے ایک تحریری پروانہ نام SHQ ملی ہنگو کی گئی۔

جس کتبہ میں DFC شیخ الرحمن نے حسب ضابطہ کی ہے۔ جس کے مطابق سہمی داؤد خان نے اپنے تحریری بیان میں یہ تصدیق کی ہے کہ اس کا

بھائی کنشیل صدیق اللہ نمبر 689 بیرون ملک قطر چلا گیا ہے۔ جو کہ مذکورہ کنشیل کے بھائی داؤد خان نے اپنے تحریری بیان پر اپنا دستخط ثبت

کیا ہے۔ قبیلی رپورٹ پروانہ لفظ ہذا برائے ملاحظہ ہے۔

جناب عالی!

الزام علیہ کنشیل کا بیرون ملک جانا تصدیق و بیان ہوا ہے۔ جو کہ رخصت منظور کیے بغیر مورہ 14.07.2023 سے تاحال غیر

حاضر ہے۔ لہذا Major Punishment کیلئے Recommend کیا جاتا ہے۔

DSP/HQR:HANGU

Handwritten signature

Handwritten signature



12
OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel: 0925-623878 Fax 0925-620135

No 132 /EC dated Hangu the 06/09/2023

FINAL SHOW CAUSE NOTICE

1. I, **Nisar Ahmad, PSP, QPM, District Police Officer, Hangu** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (Amended 2014) is hereby serve you, **Constable Saddique Ullah No. 689 while posted at Police Lines, Hangu** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer in which you have given full opportunity of hearing, but you did not appear before him and reportedly has gone to abroad (Qatar) without obtaining/granting any leave or NOC from the competent authority thus, held you guilty for the charges leveled against you and recommended for awarding you a major punishment vide office No. 1056/ DSP/HQR dated 22.08.2023.
- ii. From going, through the findings and recommendation of the inquiry officer, the material on record and other documentary proof including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- i. **You, Constable Saddique Ullah No. 689 while posted at Police Lines, Hangu have absented yourself from lawful duty with effect from 14.07.2023 to till date without any leave or prior permission vide DD No. 37, dated 14.07.2023 Police Lines, Hangu.**
- ii. **Your absence shows disinterest, negligence and amounts to gross misconduct on your part.**

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the findings of inquiry officer is enclosed.

Arrested


DISTRICT POLICE OFFICER,
HANGU

پنجاب کے حقوق زمین کیلئے ایک نیا دور کا آغاز

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

THE OFFICER,

925-620135

Z/2023

competent is hereby e Lines,

ainst of

نوٹیفکیشن برائے حاضری

سب ڈویژن کینٹنمنٹ کی عمارت انکوارٹر میں حاضری لیجر کے حوالے سے نوٹیفکیشن جاری کیا گیا ہے۔

حاصل کر کے 14 دنوں میں حاضری لیجر پیش کرنا ہے۔

- 1- کینٹنمنٹ سٹیشن نمبر 101 چارن سٹیشن نمبر 21 MEC مورچہ 26-07-2023
- 2- کینٹنمنٹ سٹیشن نمبر 689 چارن سٹیشن نمبر 22A MEC مورچہ 11-08-2023
- 3- کینٹنمنٹ ڈسٹرکٹ کینٹنمنٹ سٹیشن نمبر 24 چارن سٹیشن نمبر 22 MEC مورچہ 08-08-2023

یہ نوٹیفکیشن کو آخری بار اطلاع دی جاتی ہے کہ اس کی تعمیل کے ساتھ (07) دنوں کے اندر حاضری لیجر پیش کرنا ہے۔

ڈسٹرکٹ پولیس آفیسر کینٹنمنٹ

اردو فیسر تحصیل میونسپل ایڈمنسٹریشن غزنی تحصیل

اشتہار برائے عوام الناس

غزنی تحصیل میں اردو فیسر کی پوزیشن پر امتحان کا اعلان کیا گیا ہے۔

امتحان کی تاریخ 16/10/2023 ہے۔

رد نمبر	پوزیشن	تعداد	تعمیراتی	تعمیراتی	تعمیراتی
1	اردو فیسر	10	1000	1000	1000
2	اردو فیسر	10	1000	1000	1000
3	اردو فیسر	10	1000	1000	1000
4	اردو فیسر	10	1000	1000	1000
5	اردو فیسر	10	1000	1000	1000
6	اردو فیسر	10	1000	1000	1000
7	اردو فیسر	10	1000	1000	1000
8	اردو فیسر	10	1000	1000	1000
9	اردو فیسر	10	1000	1000	1000

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

پنجاب کی سر زمین 6 سالوں سے دہشت گردی، بد امنی و دھماکے ہمارے منہ کی زد میں ہے۔ کل آبادی کا نصف تو کم عمر بچے اور خواتین ہیں۔ ان کے حقوق زمین کیلئے ایک نیا دور کا آغاز ہو گیا ہے۔

Handwritten scribbles and lines at the top of the page.

Handwritten notes including "16-9-23" and "Handwritten" written vertically.

Handwritten notes including "15-9-23" and "Handwritten" written vertically.

Main body of handwritten notes, including "Handwritten" written vertically and various illegible scribbles.

Handwritten text: "Handwritten" written vertically, "Handwritten" written horizontally, and "Handwritten" written horizontally.

Handwritten notes at the bottom of the page, including "Handwritten" written vertically.

Handwritten numbers "522" and "52" at the bottom left corner.



OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel: 0925-623878 Fax 0925-620135

ORDER

This order is passed on the departmental enquiry against Constable Saddique Ullah No. 689 while posted at Police Lines, Hangu under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014).

Brief facts of the case are as under:-

- i. Constable Saddique Ullah No. 689 while posted at Police Lines, Hangu has absented himself from lawful duty with effect from 14.07.2023 to till date without any leave or prior permission vide DD No.37, dated 14.07.2023 Police Lines, Hangu.
- ii. His absence shows disinterest, negligence and amounts to gross misconduct on his part.

He was served with Charge Sheet and statements of allegations under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014) vide this office No. 224/EC, dated 11.08.2023, to which he failed to submit his reply to DSP, HQs Hangu, who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the Enquiry Officer submitted his findings vide No. 1056/DSP/HQ; dated 22.08.2023 in which the defaulter Constable Saddique Ullah No. 689 was summoned time & again to appear before the Enquiry Officer for submission of reply and to join the enquiry process, but he did not appear and has absented himself from official duty with effect from 14.07.2023 to till date without any leave or permission. As per recorded statement of his brother namely Daud Khan that Constable Saddique Ullah No. 689 has gone abroad to Qatar for labouring, thus, held him guilty for the charges leveled against him and the Enquiry Officer recommended him for major punishment. Consequently, he was summoned in orderly room on 05.09.2023, but he failed to do so. Subsequently, Final Show Cause Notice was issued to him vide this office vide No. 132/EC, dated 06.09.2023 which served through local police at his home address where he did not found present. However, his brother Daud Khan received the copy of said Final Show Cause Notice and also submitted reply in written that Constable Saddique Ullah No. 689 has gone abroad to Qatar for earning livelihood. Subsequently, he was again summoned through a Notice advertised in daily newspaper for appearance before the competent authority within 07 days positively in connection with pending departmental enquiry. Later on, he made his arrival vide DD No. 14, dated 10.10.2023 at Police Lines Hangu and also appeared before the undersigned on 10.10.2023, but no reasonable response could be given in his defence.

Keeping in view of the above and having gone through available record, the undersigned has come to the conclusion that the defaulter Constable Saddique Ullah No. 689 was reportedly gone abroad without obtaining NOC from the department and arrived on 10.10.2023 after prolong absence which indicates that he is no more interested to serve the Police Department. Hence, in these circumstances, his retention in Police Department is a burden on public exchequer, therefore, I, Nisar Ahmad, PSP,QPM, District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules ibid, dispense with general proceedings and awarded him major punishment of Removal from Service from the date of absence i.e.

14.07.2023

Order Announced.

OB No. 669

Dated 17/10/2023


DISTRICT POLICE OFFICER,
HANGU

No. 4990-92/EC, dated Hangu, the 17/10/2023

Copy of above is submitted to the Regional Police Officer, Kohat Region, Kohat for favour of information, please.

2. The DSP HQs with the directions to collect his official kit forthwith and Pay Officer be made recovery accordingly (if any), and EC, Reader & OHC for necessary action.


DISTRICT POLICE OFFICER,
HANGU

Amr 16

(Handwritten initials)

CHIEF OF THE DISTRICT POLICE
Hangu
2794
28/12/2023

ORDER

This order will dispose of an appeal preferred by Ex-Constable Sadeeq Ullah No. 689 of Operation Staff Hangu, against the punishment order, passed by DPO Hangu vide OB No. 669, dated 17.10.2023, whereby, he was awarded major punishment of removal from service.

Brief facts of the case are that the appellant while posted at Police Lines Hangu absented himself from lawful duty without any leave or prior permission vide DD No. 37 dated 14.07.2023 till 10.10.2023.

Proper departmental enquiry proceedings were initiated against him. The appellant was served with Charge Sheet and Statement of Allegations and SDPO HQrs Hangu was appointed as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein, the appellant was found guilty of the charges leveled against him.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded major punishment of removal from service by the District Police Officer, Hangu vide OB No. 669 dated 17.10.2023.

Feeling aggrieved from the order of District Police Officer, Hangu, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 19.12.2023. During personal hearing, the appellant could not advance any plausible justification in his defense to prove his innocence. Perusal of the record reveals that the delinquent official was awarded 180 days Ex-Pakistan leave vide this office Notification No. 505-07/EC dated 09.01.2023. He made his departure on Ex-Pakistan leave vide DD No. 14 dated 14.01.2023. After availing the leave, he did not report back for duty and was, therefore, marked absent vide DD No. 37 dated 14.07.2023. He reported his arrival in Police Lines Hangu vide DD No. 14 dated 10.10.2023. Hence, he remained absent for 02 Months and 26 days. This shows indiscipline conduct of the appellant towards his official duties. It is pertinent to mention here that he had earlier been also proceeded against departmentally on absenting himself after availing Ex-Pakistan leave in 2018. However, he did not mend his way and continued with the same indisciplined conduct.

Foregoing in view, I, Sher Akbar, FSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of the considered opinion that the charges of absence from duty have fully established. The punishment of removal from service, awarded by the District Police Officer, Hangu to the appellant is justified and therefore, warrants no interference. Hence, appeal of Ex-Constable Sadeeq Ullah No. 689 is hereby rejected, being devoid of substance and merit.

Signed / PRC / ASA

Order Announced
19.12.2023

DISTRICT POLICE
OFFICER HANGU
No. 13450 /EC, Dated Kohat 19/12/2023

(Signature)
Regional Police Officer,
Kohat Region

Copy forwarded to District Police Officer, Hangu for information and necessary w/t to his office Memo: No. 5431/LB, dated 06.11.2023. His Service Record and Fauji Misal are returned herewith.

2. Ex: Constable Sadeeq Ullah No. 689 of district Hangu.

ATTESTED

Attested

CS CamScanner

BEFORE THE HONORABLE,
SERVICE TRIBUNAL, KHYBER PAKTUNKHW, PESHAWAR

Service Appeal No.151/2024

Muhammad Sadiq s/o Wali Khan (Ex Constable 689)
r/o Kuch Banda, Tehsil & District Hangu

..... **Appellant**


VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa & others


..... **Respondents**

AUTHORITY LETTER

Mr. Falak Nawaz DSP City, Hangu (BPS-17) Hangu is hereby authorized/nominated to submit para-wise comments/reply in the instant service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar and also to defend instant service appeal on behalf of Respondent's No.1 to 4.


District Police Officer,
Hangu

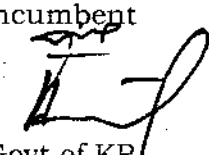
(Respondent No. 4)
(NISAR AHMAD) PSP QPM
Incumbent


Regional Police Officer, Kohat
Kohat Region Kohat
(Respondent No. 3)

(SHER AKBAR) PSP S.St
Incumbent


DIG/Legal, CPO

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)
(DR. MUHAMMAD AKHTAR ABBAS)
Incumbent


Govt of KP
through Secretary Home,
Civil Secretariat, Peshawar
(Respondent No.1)

(MUHAMMAD ABID MAJEED)
Incumbent